

## Schedule E—Transitional Provisions for Written Agreements

[Varied by [PR503382](#)]

### E.1 Application of Schedule E

E.1.1 This Schedule applies to:

- (a) employers in New South Wales and Queensland and those of their employees who are employed under a Property or Strata Management classification or a Property Sales classification; and
- (b) employers in South Australia and those of their employees who are employed under a Property Sales classification.

### E.2 Explanation of Schedule E

E.2.1 The State awards for property management employees and property salespeople in New South Wales and Queensland, and for property salespeople in South Australia contain provisions for the registration of employment agreements or letters of appointment.

E.2.2 The intent of these provisions will continue under the Federal award until 31 December 2014, but in an amended form to suit the purposes of this award.

### E.3 Registration of written agreements

E.3.1 The following will be registered as set out in clauses E.3.3 to E.3.6 (inclusive):

- (a) a written agreement that is required to be made by clauses 15.1 or 16.2(a); or
- (b) if no written agreement is required to be made by clauses 15.1 or 16.2(a) a written agreement specifying that the employee is not entitled to any form of bonus, commission or incentive payment.

E.3.2 Variations to any written agreement must also be registered in the same manner as set out in clause E.3.1, but only if the variation applies to commission, incentive payment or bonus arrangements.

#### E.3.3 New South Wales

- (a) An employer cited in clause E.1.1(a) will, for each employee cited in clause E.1.1(a), send two signed copies of a written agreement to the Real Estate Employers' Federation of New South Wales, Level 6, 99 Bathurst Street, Sydney NSW 2000.
- (b) An administration fee as specified in clause E.3.6(a) is payable as follows:
  - (i) one half to Real Estate Employers' Federation of New South Wales (REEF); and
  - (ii) one half to Real Estate Association of New South Wales (REA NSW). This fee may be recovered by the employer from the employee's commission, incentive payment or bonus.

- (c) In New South Wales, clause E.3.6(a) does not apply to a written agreement registered under clause E.3.2.

#### E.3.4 Queensland

- (a) An employer cited in clause E.1.1(a) will, for each employee cited in clause E.1.1(a), send one copy of the written agreement to the Queensland Property Industry Registry (QPIR), PO Box 274, Rochedale South QLD 4123.
- (b) QPIR is jointly administered by the Property Sales Association of Queensland and the Queensland Real Estate Industrial Organisation of Employers.
- (c) An administration fee as specified in clause E.3.6(a) is payable to QPIR.
- (d) One half of the above administration fee may be recovered by the employer from the employee's commission, incentive payment or bonus.
- (e) **Until a written agreement is registered with QPIR:**
  - (i) **a person may not be a commission-only employee; and**
  - (ii) **the employer must pay on a weekly basis, in addition to any payment of commission, bonus or other incentive payments, not less than the minimum weekly wage specified in clause 14.1.**

[E.3.4(f) inserted by [PR503382](#) ppc 03Nov10]

- (f) Despite paragraph (e) hereof, where the employer and employee genuinely agree that the written agreement is to operate from a date earlier than the date of registration then upon registration by the QPIR the written agreement will have effect for all purposes of this Award as and from that earlier nominated date. Any such date cannot be earlier than 1 January 2010.

#### E.3.5 South Australia

- (a) An employer cited in clause E.1.1(b) will, for each employee cited in clause E.1.1(b), send one copy of the written agreement to the Real Estate Employers' Federation of South Australia, REI House, 249 Greenhill Road, Dulwich SA 5065, and one copy of the same agreement to the Real Estate Salespersons' Association, PO Box 678, St Agnes SA 5097.
- (b) An administration fee as specified in clause E.3.6(a) is payable as follows:
  - (i) one half to Real Estate Employers' Federation of South Australia (REEF); and
  - (ii) one half to Real Estate Salespersons' Association (RESA). This fee may be recovered by the employer from the employee's commission, incentive payment or bonus.

#### E.3.6 Administration

- (a) Each written agreement submitted for registration in accordance with clause E.3.1 is to be accompanied by an administration fee, as set by the entity(s) with which the written agreement is to be registered.

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- (b) The administration fee payable under clause E.3.6(a) may not exceed \$150.00 (as adjusted annually from the index figure published by the Australian Bureau of Statistics for the All Groups Consumer Price Index (Cat No. 6401.0)) per agreement.
- (c) The entity(s) with which the written agreement is to be registered may:
  - (i) agree to a lesser administration fee than that specified in clause E.3.6(b); and
  - (ii) create and provide an Application to Register Written Agreement pro-forma, to facilitate the agreement registration process.

### **E.4 Cease to operate**

Schedule E ceases to operate on 31 December 2014.